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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

KEVIN STOUT,  
On behalf of himself and all others  
similarly situated,

Plaintiff,

v.

FREESCORE, LLC, d/b/a  
FREESCORE.COM,

Defendant.

CASE NO.: CV-10-04395-R-(OPx)

ORDER GRANTING FREESCORE  
LLC'S MOTION TO DISMISS THE  
COMPLAINT

Date: November 15, 2010  
Time: 10:00 am  
Courtroom: 8

Hon. Manuel L. Real  
Action Filed: June 15, 2010

1 Before the Court is Defendant's Motion to Dismiss the Complaint under  
2 Rule 12(b)(6) of the Federal Rules of Civil Procedure, and Plaintiff's Motion for  
3 Class Certification and Appointment of Class Counsel under Rule 23 of the Federal  
4 Rules of Civil Procedure. After reviewing the moving, opposition and reply papers,  
5 the Court holds as follows:

6  
7 Plaintiff relies on the representations made by Defendant on its website  
8 and in its television advertisement to demonstrate that Defendant is a credit repair  
9 organization under the Credit Repair Organizations Act (the "CROA"). Whether a  
10 company is a credit repair organization under the CROA depends on its  
11 representations. *See Plattner v. Edge Solutions, Inc.*, 422 F. Supp. 2d 969, 974 (N.D.  
12 Ill. 2006).

13  
14 Plaintiff failed to demonstrate that any of Defendant's representations  
15 were made for the express or implied purpose of improving a consumer's credit  
16 record, credit history, or credit rating as required by 15 U.S.C. § 1679a(3)(A).  
17 Defendant did not make any promises of credit improvement. Rather, it merely  
18 promises to provide a consumer with his or her credit score; it is up to the consumer  
19 to improve it.

20  
21 15 U.S.C. § 1679b(a)(3) applies only in the credit repair context. The  
22 term "any person" cannot be used to expand the statute's coverage. Rather, it is  
23 meant to ensure that the statute applies in any context involving credit repair. *Lopez*  
24 *v. ML # 3, LLC*, 607 F. Supp. 2d 1310, 1312-13 (N.D. Fla. 2009).

25  
26 **NOW THEREFORE:**

27 Defendant's Motion to Dismiss is **GRANTED with prejudice**.  
28 Because the Motion to Dismiss is granted, Plaintiff's Motion for Class Certification

1 is thereby rendered **MOOT**.

2 **IT IS SO ORDERED.**

3  
4 DATED: November 19, 2010



5  
6 Hon. Manuel L. Real  
United States District Court Judge

7  
8 Respectfully Submitted by:

9 /s/ Darrel J. Hieber

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